

MEMO ENDORSED

INGA L. PARSONS
CHRISTIAN URBANO*
(of Counsel)

Admitted to MA* NY WY
Federal Courts
U.S. Supreme Court

Attorneys at Law
3 Bessom St. No. 234
Marblehead, MA 01945

Tel: 781-581-2262
Fax: 888-406-9538
Cell: 781-910-1523

Inga@IngaParsonsLaw.com

Christian@IngaParsonsLaw.com

ECF FILING

June 23, 2023

Honorable Kenneth M. Karas
United States District Judge
United State District Court
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Nicholas Tartaglione*, 16-cr-832 (KMK)

Dear Judge Karas:

I write this letter in response to the government's submission last night regarding a telephone at the MDC. Mr. Tartaglione was working on the computers when another inmate came in and plugged in a cellphone and left the area. It was not Mr. Tartaglione's cellphone nor did he touch it or have anything to do with it.

When the cellphone was discovered, he was asked what happened and he advised MDC staff that it was not his phone and that another inmate had come in and plugged in the phone and left. The video coverage was reviewed by MDC staff supporting Mr. Tartaglione's position. Nevertheless, Mr. Tartaglione was placed in the SHU (evidently the person who did plug in the telephone was a reputed gang member) and has been in the SHU for over a week and unable to work on his case.

The telephone was discovered on Friday June 16, 2023. On Monday, June 19, 2023, I wrote an email to MDC legal Sofia Papapetru advising of the situation and requesting that he be released from the SHU and moved to another unit (which evidently was going to be the plan) and that the video of the incident be preserved. Ms. Papapetru advised on June 20, 2023 that she would look into it. I sent a followup email on Wednesday June 20, 2023 seeking the status but have not heard back from as of the date of this letter. I am attaching a copy of that email exchange as Exhibit A.

Since the government has raised the issue with the Court, we request that the government obtain and provide to the parties and the Court the video of the incident which exonerates Mr. Tartaglione. Furthermore, it is no wonder that the government is not reviewing the contents of the telephone as to Mr. Tartaglione because it is *not* his telephone.

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Finally, we ask that the Court make a determination of non-involvement so that we can supply that to the MDC and Mr. Tartaglione can be relocated immediately. Otherwise, he has no access to his files or to the computers to continue to work on his post-verdict filings.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Inga L. Parsons

Inga L. Parsons

Cc: AUSAs (by ECF)

S. Papatru (by email) (without attachment)

The Government is to respond to this letter by 6/27/23.

SO ORDERED


KENNETH M. KARAS U.S.D.J.

6/23/2023